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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 7 March 2002 (S/2002/263).

The Counter-Terrorism Committee has received the attached supplementary report from the Democratic People's Republic of Korea, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 22 July 2002 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith the supplementary report of the Government of the Democratic People's Republic of Korea to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have the text of the present letter and its enclosure circulated as a document of the Security Council.

(*Signed*) **Pak** Gil Yon
Ambassador
Permanent Representative

Enclosure

Supplementary report of the Government of the Democratic People's Republic of Korea on the implementation of Security Council resolution 1373 (2001)

Introduction

The outrages of 11 September 2001 called up anew the gravity of terrorism and the urgency of its suppression.

■ The Democratic People's Republic of Korea maintains its position of opposing all forms of terrorist acts and support to them.

The Democratic People's Republic of Korea (hereinafter the DPRK) has been suffering from its division and national separation forced by outside forces for half a century, and constant military threat.

Since the division of the country, the DPRK Government has made all its efforts to ensure durable peace in the Korean peninsula and achieve reunification of the country and the nation.

In June 2000, the North-South Summit was held for the first time in the history of national division and the North-South Joint Declaration adopted, reaffirming the willingness to pave the way to the reunification by the joint national efforts.

Proceeding from its peace-loving stand, the Government opposes all forms of aggression, military threats, national division and interference in the internal affairs of other countries, and supports the struggle of other countries and nations for the defense of national sovereignty.

■ The fight against terrorism should comply with aims and principles of the Charter of the United Nations.

The fights against terrorism should be oriented to establishing just and equitable international order and achieving sustainable development, on the basis of sovereign equality, non-interference and mutual respect, and not be abused to pursue interests and strategic goals of individual country or community.

The Government of the DPRK supports the proposal of convening an international conference, under the auspices of the United Nations, in order to define a fair concept on terrorism and seek common views on means to counter terrorism.

Expressing its hope that all terrorist acts would be suppressed on this planet and all countries and nations lead stable and harmonious life, the DPRK submits its

supplementary report based on questionnaire prepared by the Counter-Terrorism Committee of the United Nations in accordance with the UN Security Council resolution 1373(2001).

Operative paragraph 1

Sub-paragraph (a): Prevent and suppress the financing of terrorist acts

[Question: What measures if any have been taken to suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d) ?]

There are no further measures taken, out of those indicated below.

Sub-paragraph (b): Criminalize the willful provision or collection, by any means, directly or indirectly, of funds by their national or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts:

[Question: What are the offences and penalties in your country with respect to the activities listed in this subparagraph?]

According to articles 45, 141-149 of the Criminal Law of the DPRK amended and supplemented in 15 March 1995, a person who commits terrorist acts against people shall be committed to rehabilitation institution for not less than 5 years or the death penalty and the penalty of the confiscation of all property. The Law also stipulates that terrorist acts, such as impairment of life and health of citizens, and brutal killing, should be considered as serious crimes and undertaken under legal proceedings.

Under the article 6 of the Law on the Management of Foreign Currency adopted on 31 January 1993, the foreign currencies can only be used once they are duly converted into Korean Won.

Sub-paragraph(c): Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from

property owned or controlled directly or indirectly by such persons and associated persons and entities:

[Question: What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.]

Problems mentioned in this sub-paragraph are not posed in the DPRK. The Law on the Management of Foreign Currency strictly prohibits alien terrorists or their entities from having their own accounts and properties at the domestic banks and financial institutions.

Sub-paragraph (d): Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons:

[Question: What measures exist to prohibit the activities listed in this sub-paragraph?]

Acts in this sub-paragraph do not exist in the DPRK and since there is no possibility for terrorists and/or their support groups to open accounts, the enactment of a new law on freezing their financial resources and assets is not needed.

Operative paragraph 2

Sub-paragraph (a): Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists:

[Question: What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?]

Article 29 of the Customs Law of the DPRK adopted on 14 October 1983 prohibits import and/or export of arms, ammunition, explosives, poison, narcotics, etc., and other goods unauthorized by the competent authorities.

Under articles 113 and 114 of the Criminal Law amended and supplemented on 15 March 1995, a person who illegally possesses explosives, including arms, ammunitions, dynamites and detonators or supplies them to others shall be committed to a reform institution for up to 5 years.

Sub-paragraph (b): Take the necessary steps to prevent the commission of terrorist acts, including the provision of early warning to other States by exchange of information:

[Question: What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?]

The State encourages the development of exchanges and cooperation with other nations and international organizations.

Sub-paragraph(c): Deny safe havens to those who finance, plan, support, or commit terrorist acts, or provide safe havens:

[Question: What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.]

Articles 16 and 75 of the DPRK Constitution provide foreigners with same freedom of residence and movement as its nationals.

The DPRK Government has been taking various legal measures for further freedom of movement and residence and security of foreigners within its territory. Under article 33 of the Immigration Law adopted on 19 January 1996, all foreign travelers are subject to immediate registration for their stay, upon their entry on the DPRK, under article 38, foreigners can reside in the DPRK under authorization of the relevant authorities, and under article 39, for the removal of domicile, a foreigner must check out and recheck-in at the immigration office of the residence area.

Sub-paragraph(d): Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens:

[Question: What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful is States supplied examples of any relevant action taken.]

In the DPRK, all laws and regulations are drafted, adopted and enforced with the security of the country and defense of people's life and properties at their core, therefore giving no feasibility of commission of the acts indicated in this subparagraph.

Sub-paragraph(e): Ensure that any person who participated in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts.

[Question: What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.]

There are no particular cases raised in the DPRK with regard to suppression of financing of terrorist acts, freeze of their assets and movement of terrorists with counterfeit travel documents.

Nevertheless, when that case comes up, a person who commits or is involved in such acts shall be brought to justice in conformity with relevant laws.

Sub-paragraph(f): Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings:

[Question: What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.]

The DPRK Government maintains the principle of active cooperation with other countries and international organizations, for the protection of life and property of its citizens, and in the fight against terrorist acts.

The Government welcomes information on terrorists activities from international, regional and bilateral sources, and wishes to continue to further implement articles 3 and 4 of the UN Security Council resolution 1373 (2001) on the exchange of information of threats from terrorist groups and the assistance in the field of antiterrorism.

Sub-paragraph(g): Prevent the movement of terrorists or terrorist groups by effective border and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity paper and travel documents;

[Question: How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exists to prevent their forgery etc?]

In pursuance with articles 18 and 25 of the Immigration Law and its enforcement rules, a person who has forged passport or certificate, is recognized by a judicial organ not to be entitled to travel for the crime he/she has committed, is lunatic, has an infectious disease or has had no consent of the country he/she wants to travel to cannot enter/exit the country.

Under its article 19, foreigners need visa issued by the Ministry of Foreign Affairs or the Immigration Office to enter or leave the country. Under its article 30 and the relevant rules, a foreigner who has forged documents or is not allowed to leave the country in case the competent authorities have decided that he/she has committed a crime equal to penal accusation, cannot exit.

Under its article 32, foreigners' stay is classified into two, i.e., short and long. Short stay is for 6 months and long one beyond 6 months.

Under article 44, if the foreigner who has newly arrived is to stay more than 48 hours in an area other than the destination due to such reasons as natural calamities and epidemics, etc, he/she must register for his/her stopover at the immigration office of that area.

The expulsion of foreigners is enforced only when there is an evident ground on infringement of rules and regulations on entry, stay, residence and movement. By the enforcement of rules of the Immigration Law, the alien who enters without proper visa, stays longer than permitted and commits criminal acts by infringing domestic laws may be expelled out of the country.

Operative paragraph 3

Sub-paragraph(a): Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or

sensitive materials: use of communication technologies by terrorist groups: and the threat posed by the possession of weapons of mass destruction by terrorist groups:

[Question: What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?]

For information, please refer to answers given in sub-paragraphs (b) and (g) of operative paragraph 2.

Sub-paragraph(b): Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

[Question: What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?]

For information, please refer to answers given in sub-paragraph(f) of operative paragraph 2.

Sub-paragraph(c): Cooperate, particularly through bilateral and multilateral arrangements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

[Question: What steps have been taken to cooperate in the areas indicated in this sub-paragraph?]

For information, please refer to answers given in sub-paragraph(f) of operative paragraph 2.

Sub-paragraph(d): Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

[Question: What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?]

The status of accession to or signature of conventions and protocols related to antiterrorism is as follows:

■ **Accession**

1) - Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (13 August 1980)

2) - Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agent (1 December 1982)

3) - Convention for the Suppression of Unlawful Seizure of Aircraft (28 April 1983)

4) - Convention on Offences and Certain Other Acts Committed on Board Aircraft (9 May 1983)

5) - Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (19 July 1995)

6) - International Convention against the Taking of Hostages (12 November 2001)

■ **Signing**

International Convention for the Suppression of the Financing of Terrorism (12 November 2001)

The DPRK has acceded to or signed the above mentioned conventions and protocols with the aim of definitely suppressing all forms of terrorist acts and further developing exchanges and collaboration with the international community in this field, and therefore accession to or signature of other conventions is under study.

This clearly proves the consistency of the DPRK's position in the field of counter terrorism and is a manifestation of the Government's will to double its efforts in the fight against terrorism.

Sub-paragraph(e): Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269(1999) and 1368(2001);

[Question: Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.]

The DPRK Government will promote assistance in all fields including data exchanges to suppress terrorist activities and counter threats from their groups, in the course of the implementation of articles and provisions of Security Council Resolutions 1269(1999), 1368(2001) and 1373(2001), and relevant counter terrorism conventions and protocols.

Sub-paragraph(f): Take appropriate measures in conformity with the relevant provisions of national and international laws, including international standards of human rights, before granting refugee status, for the purposes of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

[Question: What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.]

In order to ensure national security and prevent from terrorism, the DPRK has adopted and enforced the Immigration Law. Under the relevant provisions of this Law, a person who has forged travel documents and is recognized by a judicial organ not to enter/exit the country, cannot enter/exit.

The Criminal Law of the DPRK stipulates in its articles 45 and 46 that a person who commits terrorist acts is committed to severe criminal punishment.

Meanwhile, the State strictly prohibits foreigners with le al status of residence and stay in the DPRK from disseminating discrimination, hostility and violence by inciting national, racial and religious hatred.

Sub-paragraph(g): Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

[Question: What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures, which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.]

For information, please refer to answers given in sub-paragraph(g) of operative paragraph 2.